

§ 6-1433.02 Public Guardian.

(A) If the Office of Public Guardian is nominated as the guardian and/or conservator, the Office of Public Guardian shall be considered an interested person.

(B) No bond shall be required of the Office of Public Guardian.

(C) If the Office of Public Guardian is appointed guardian and/or conservator, payments to the Office of Public Guardian will be allowed as per the established sliding fee scale as approved by the Court.

(D) If the Office of Public Guardian is appointed guardian and/or conservator, the Office of Public Guardian shall be required to file a budget with the initial inventory. This shall be for informational purposes only. Neb. Ct. R. § 6-1442.01 shall not apply to the Office of Public Guardian. The Office of Public Guardian shall be required to file an annual accounting even if a budget has been provided.

(E) The Office of Public Guardian is prohibited from making ATM withdrawals or receiving cash back on debit transactions, and this shall be reflected on the Letters.

(F) If the Office of Public Guardian is nominated as the initial or successor guardian or conservator, the court shall appoint a visitor and/or guardian ad litem, consistent with Neb. Rev. Stat. § 30-2619.01, or a guardian ad litem pursuant to Neb. Rev. Stat. § 30-2222(4), to ensure the necessity of the guardianship and/or conservatorship, whether there is an appropriate private guardian and/or private conservator to serve in the case and to determine the appropriate limitations within the guardianship and/or conservatorship.

(1) If the acknowledgment of nomination and caseload capacity verification filed by the Office of Public Guardian indicates the Office of Public Guardian has caseload capacity to take the case, the appointment of a visitor and/or guardian ad litem will occur within 10 judicial days of the court receiving the acknowledgment.

(2) If the acknowledgment and caseload capacity verification filed by the Office of Public Guardian indicates the Office of Public Guardian does not have caseload capacity to take the case, the court may request the case be placed on the Public Guardian waiting list. If the court requests the case be placed on the Office of Public Guardian's waiting list, the court shall appoint a visitor and/or guardian ad litem within 10 judicial days of the court's waiting list request.

(G) The court may appoint the Office of Public Guardian on a temporary basis if an emergency exists until an evidentiary hearing can be held. The court shall appoint a visitor and/or guardian ad litem as provided in subsection (F) above within 10 days of signing the temporary Order.

(H) An appointed visitor and/or guardian ad litem is to conduct an evaluation of the allegations of incapacity and whether there is an appropriate private guardian and/or private conservator to serve in the case. The visitor or guardian ad litem shall provide a written report to the court, on a form approved by the State Court Administrator's Office, and allow for the

filing of responses to the report in accordance with Neb. Rev. Stat. §§ 30-2619 through 30-2619.04.

(I) The court should consider utilizing a multi-disciplinary screening to determine diminished capacity. The multi-disciplinary screening shall include, but is not limited to, the individual's: (1) medical condition; (2) cognitive functioning; (3) daily living functional abilities; (4) consistency of functioning with his/her values, preferences, and lifetime patterns; (5) risk of harm in the context of his/her social and environmental supports; and (6) means to enhance capacity through accommodations and effective communication techniques. This screening may be done by a trained visitor or trained guardian ad litem that is appointed by the court.

(J) The Office of Public Guardian may file a motion to make more definite and certain a statement of functional limitation (§ 30-2619) regarding the determination of necessity to ascertain whether any alternative to public guardianship or conservatorship exists.

§ 6-1433.02 adopted September 10, 2015.
